

**TITLE 14. Fish and Game Commission
Notice of Proposed Changes in Regulations**

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, and 2122 of the Fish and Game Code and to implement, interpret or make specific sections 1002, 2116-2118, 2118.2, 2118.3, 2118.4, 2119-2155, 2185-2190, 3005.5, 3005.9 and 3005.92 of said Code, proposes to amend Section 671.5, Title 14, California Code of Regulations, relating to Disposition of Wild Animals Possessed in Violation of Regulations.

Informative Digest/Policy Statement Overview

Present wording of Fish and Game Code section 671.5 could be interpreted as empowering a person in violation of the law to make decisions relating to disposition of illegally possessed native wild animals, and cause the Department to react to those decisions. The proposed amendment implements and makes specific the seizure requirement of Fish and Game Code section 3005.5 relating to the illegal possession of native wildlife, and clarifies what options are available to both the illegal possessor and the Department once illegally possessed wild animals have been found. The amendments clarify that the options available to individuals that illegally possess nonnative wildlife, including the option to ship the animal out of state, are not available in the case of illegally possessed native California wildlife. The proposed amendments also clarify that following the seizure of illegally kept native wild animals, the Department has the option of releasing them back to the wild. Other proposed amendments incorporate cost recovery provisions that allow the Department to recover some of its expenses in disposing of seized wildlife. Nonsubstantive amendments throughout the text are intended to enhance the clarity of this section.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the City Council Chambers, 777 Cypress Avenue, Redding, California, on Friday, November 3, 2006, at 8:30 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Santa Monica Main Public Library, Martin Luther King Jr. Auditorium, 601 Santa Monica Blvd., Santa Monica, on Friday, December 8, 2006, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before December 1, 2006 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@fgc.ca.gov. Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on December 6, 2006. All comments must be received no later than December 8, 2006, at the hearing in Santa Monica, CA. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John Carlson, Jr., Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to John Carlson, Jr., or Sheri Tiemann at the preceding address or phone number. **Ms. Nancy Foley, Enforcement Branch, Department of Fish and Game, phone (916) 653-4094, has**

been designated to respond to questions on the substance of the proposed regulations. Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California:

None.

- (c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

None.

- (e) Nondiscretionary Costs/Savings to Local Agencies:

None.

- (f) Programs Mandated on Local Agencies or School Districts:
None.
- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4:

None.
- (h) Effect on Housing Costs:

None

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business.

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

FISH AND GAME COMMISSION

Dated: October 10, 2006

John Carlson, Jr.
Executive Director